

**REMARKS/ARGUMENTS**

Claims 1-47 are all the claims currently pending in the application. Based on the following remarks, Applicant requests reconsideration of the application and allowance of the claims.

**I. Rejection of Claims 1-8, 11-12, 17-19, 21-23, 26-29, 31, 34-35, 38-39, 42 and 44-45 Under 35 U.S.C. § 103**

The Examiner rejected claims 1-8, 11-12, 17-19, 21-23, 26-29, 31, 34-35, 38-39, 42 and 44-45 under 35 U.S.C. § 103 as being unpatentable over Lin et al. (U.S. Patent No. 6,366,791; hereinafter “Lin”) and further in view of Speeney et al. (U.S. Patent No. 6,570,983; hereinafter “Speeney”).

Claim 1, requires, “[a] method for providing a ring-tune alert in a communication device operable to receive communications via a communication network, …” comprising, *inter alia*, detecting an incoming communication, determining at least one communication characteristic of the incoming communication, associating a first ring-tune enhancement with the at least one communication characteristic, and generating a composite ring-tune alert *by appending the first ring tune enhancement to a base ring tune*.

Applicant submits that the combination of Lin and Speeney does not teach or suggest the above features of claim 1. In contrast to claim 1, and as pointed out in the Amendment filed September 19, 2006, Lin relates generally to a telecommunications system for allowing network providers to download ringing tone patterns associated with one or more musical scores 55 to mobile stations 20 according to music selection of mobile subscribers to manipulate the ringing tone on the mobile station. (Abstract) More particularly, Lin discloses that ringing tone patterns, such as music, may be downloaded from HLR 26 or web page 45 to the mobile station 20 to distinctively identify different called party numbers (e.g., two phone numbers X & Y). A subscriber may select a specific ring pattern based for a first phone number and when an incoming call is received based on the ring pattern selected, the mobile station 20 may ring with the selected pattern (e.g., first music file). Similarly, the subscriber may select a different ring pattern based on a second phone number and when an incoming call is received based on the

second phone number the mobile station 20 may ring with the selected pattern (e.g., second music file). (Col. 5, lines 1-50 of Lin)

On page 3 of the Office Action, the Examiner correctly concedes that Lin does not teach or suggest appending the first ring tune enhancement to a base ring tune. However, the Examiner relies on Speeney to make up for the deficiencies of Lin. Specifically, the Examiner posits that Speeney teaches “appending an audible announcement of [a] caller’s identity to [a] base ring tone” which allegedly “reads on an enhancement to [a] first ring tone since they are both played to alert the user.” Based on this reasoning, the Examiner suggests that the combination of Lin and Speeney teaches appending the first ring tune enhancement to a base ring tune. (See pgs. 3-4 of the Office Action) Applicant respectfully disagrees and submits that the Examiner is giving the references credit for more than the references actually teach.

In contrast to claim 1, and as pointed out in the Amendment filed September 19, 2006, Speeney relates generally to a system for generating a communications identification announcement 304. Particularly, Speeney discloses that a communication (e.g., telephone call, e-mail) sent from a contacting party is transmitted to a subscriber and received by a communication device 160. A controller 210 recognizes an identifier 302 (e.g. telephone number, email address) of the communication of the contacting party. When the controller finds a match of the identifier in a database 170, an audio file may be retrieved and sent to terminal 150 which may play a corresponding communications identification announcement 304 (e.g., audio files and/or data files) which includes the identity of the author. (Col. 7, line 42 to Col. 8, line 48) For instance, if the identifier relates to an office telephone number 308, a voice announcement, “Mr. Smith wants you” 314 may be broadcast from the terminal 150. (See Col. 5, lines 24-30 & FIG. 3) Speeney discloses that “after a first ring of a telephone, and before the telephone is raised off-hook, a recorded voice may announce the name of the calling party.” (Col. 2, lines 33-36)

In the Amendment filed September 19, 2006, Applicant pointed out to the Examiner that he correctly conceded that Lin does not teach or suggest applying the first ring tune enhancement to a base ring tune and Applicant pointed out that the combination of Lin and Speeney fails to teach or suggest generating a *composite* ring-tune alert by *appending* the first ring tune enhancement to a base ring tune, as claimed. In the *Response to Arguments* section of the Final

Office Action, the Examiner maintains his rejection and asserts that “Speerney teaches his data file being appended to (eg. played out) before the phone is answered.” (See pg. 2 of the Office Action) The Examiner posits that “while Speerney does not provide an exact implementation of this function, it nonetheless reads on they typical ring tone (eg. file) being combined with a second file (eg. recorded message) such that the two play out to alert the user of an incoming call.” (See *id.*)

Contrary to the Examiner’s general allegation, Applicant again submits that there simply is no teaching or suggestion, in the combination of Lin and Speerney relating to generation of a composite ring-tune alert by appending a second file (e.g., user’s recorded voice) to a ring tone, as suggested by the Examiner. Instead, the combination, at best, discloses that when a communication is sent from a contacting party to a subscriber and received by the announcement device 160 of the subscriber, a telephone may ring. (Col. 2, lines 27-34 & Col. 7, lines 38-46 of Speerney). Subsequently, a controller in the announcement device 160 recognizes a communication identifier 302 (e.g. telephone number). (Col. 7, lines 51-55 of Speerney) Thereafter, the controller 210 searches a database 170 to locate a match of the communication identifier. Col. 7, lines 66-67 to Col. 8, line 1) If the communication identifier is located in the database 170, then an announcement 304 (e.g., an audio file, such as “a recorded voice” ... [announces] the name of the calling party”) stored in the database 170 prior to receipt of the communication and mapped to the communication identifier is retrieved and sent to output device 250 where it can be played “after the first ring of the telephone, and before the telephone is raised off-hook.” (Col. 2, lines 33-36 & Col. 8, lines 36-41 of Speerney).

Even assuming *arguendo* that the combination teaches that “the phone rings and then the identity is announced” via an announcement 304 such that the first ring and the announcement are “played out” “to alert the user of an incoming call,” as suggested by the Examiner (See pg. 2, number 4. & pg. 3 of the Office Action) (emphasis added) the combination still does not teach or suggest the features of claim 1. As pointed out in the Amendment filed September 19, 2006, FIG. 3 of Speerney, clearly shows that the announcements 304 in the announcement field are distinct and separate and are not appended to each other and the announcements 304 are not appended to a first ring of a telephone either. As such, nowhere in FIG. 3 of the combination of Lin and Speerney is there any teaching or suggestion that the first ring of the telephone is

appended to any of the announcements in announcement field 304 so as to form a composite ring-tune alert, as claimed. The combination of Lin and Speeney, at best, discloses that the first ring of the telephone and the announcement are played out distinctly and separately from one another and does not generate a composite ring-tune alert, as claimed. As explained in the Amendment filed September 19, 2006, a skilled artisan understands that appended refers to use of a “ring tune that is conjoined or concatenated with the base ring tune,” as described in the second paragraph on pg. 15 of the specification. (emphasis added) Claim 1 requires a *composite* ring-tune alert generated by *appending* the first ring tune enhancement to a base ring tune. Nowhere in the combination of Lin and Speeney is there any teaching or suggestion that the first ring and the announcement 304 disclosed therein generate a composite ring tune alert formed by being appended to each other. The first ring of the telephone is played and then the announcement device 160 retrieves the announcement 304 from database 170 (or database 300) such that the announcement 304 is subsequently played by output device 250. As such, the first ring of the telephone and the announcement 304 of the combination fails to teach or suggest “generating a *composite* ring-tune alert by *appending* the first ring tune enhancement to a base ring tune,” as claimed.

For at least the foregoing reasons, Applicant submits that the combination of Lin and Speeney are deficient and does not teach or suggest all of the features of claim 1. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the rejection of claim 1 and its dependent claims 2-14, 17-18 and 34-35.

Since claims 19, 22 and 26 contain features that are analogous to, though not necessarily coextensive with, the features recited in claim 1, Applicant respectfully submits that claim 19 and its dependent claims 20-21 and 38-39 as well as claims 22 and 26 and their respective dependent claims 23-24, 42 and 27-32, 44-45 are patentable at least for reasons analogous to those submitted for claim 1.

Applicant notes that the Office Action indicates that claims 14, 34-35, 38-39, 42 and 44-45 stand rejected. However, Applicant points out that the Examiner has provided not provided any basis or reasoning for the rejection of these claims in the Office Action. With respect to claims 34-35, 38-39, 42 and 44-45, the Office Action merely states that “Claims ... 34-35, 38-39, 42 and 44-45 [are] rejected under 35 U.S.C. § 103(a)” over Lin in further view of Speeney. (See

pg. 3 of the Office Action) The Examiner has not cited to any column, line number or FIGS. of the cited combination and has not provided any reasoning for rejecting these claims. Concerning claim 14, the Examiner has not provided any statutory basis for rejecting the claim and has not provided any reasoning for the rejection and furthermore did not cite to any portion of the references which purportedly teaches the features of claim 14. Applicant submits that if the Examiner wishes to maintain the rejection of claims 14, 34-35, 38-39, 42 and 44-45 that he explicitly states the reasons for doing so on the record in the next communication by identifying the applicable portions of the references being relied upon.

## **II. Rejection of Claims 9, 20 and 30 Under 35 U.S.C. § 103(a)**

Claims 9, 20 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lin and Speeney and further in view of Schmidt et al. (U.S. Patent No. 6,363,258; hereinafter “Schmidt”). Applicant respectfully traverses this rejection for at least the following reasons.

As discussed above, the combination of Lin and Speeney is deficient vis-à-vis independent claims 1, 19 and 26, and Schmidt does not compensate for the deficiencies of the combination of Lin and Speeney. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of dependent claims 9, 20 and 30.

## **III. Rejection of Claims 10, 24 and 32 Under 35 U.S.C. § 103(a)**

Claims 10, 24 and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lin and Speeney and further in view of Narinen et al. (U.S. Patent Appln. Publn. No. 2002/0115456; hereinafter “Narinen”). Applicant respectfully traverses this rejection for at least the following reasons.

As discussed above, the combination of Lin and Speeney is deficient vis-à-vis independent claims 1, 22 and 26, and Narinen does not compensate for the deficiencies of the combination of Lin and Speeney. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of dependent claims 10, 24 and 32.

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**IV. Rejection of Claim 13 Under 35 U.S.C. § 103(a)**

Claim 13 is rejected under 35 USC 103(a) as being unpatentable over Lin and Speeney and further in view of Moss et al. (U.S. Patent Appln. Publn. No. 2002/0176554; hereinafter "Moss"). Applicant respectfully traverses this rejection for at least the following reasons.

As discussed above, the combination of Lin and Speeney is deficient vis-à-vis independent claim 1, and Moss does not compensate for the deficiencies of the combination of Lin and Speeney. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of dependent claim 13.

**V. Conclusion**

In view of the foregoing remarks, Applicant respectfully submits that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner D'Agosta is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

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